

Pike Co  
Site - Miller Salvage

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**PIKE COUNTY GENERAL HEALTH DISTRICT**  
ENVIRONMENTAL HEALTH DIVISION

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July 29, 2004

Christopher Schraff  
Porter Wright Morris and Arthur, LLP  
41 South High Street  
Columbus, Ohio 43215

**RE: Miller Salvage, Inc.**

Dear Mr. Schraff:

Thank you for your recent letter concerning Fred Miller's operation on Lapperell Road.

It appears that you are confused about several issues concerning the Health District that I wish to make clear as well as honor your request for public records.

In your letter, you implied that the Health District does not communicate with the Ohio Environmental Protection Agency (EPA) concerning Miller Salvage. You also stated that the board should be aware of the fact that Fred Miller is negotiating with the Ohio Attorney General about issues at the site. I communicate at least weekly with the EPA about the Miller nuisance and I forward this information to the Board of Health. The Board is well aware that Mr. Miller's operation is in violation of all permits so graciously granted by the Ohio EPA, as well as the orders of the EPA director, and the consent agreements filed in Pike County Common Pleas Court. I inform the board of health every month about the progress or lack of progress toward nuisance abatement at the Lapperell Road site.

In reference to your comment about the board's actions at their meetings, the Miller site was not on the agenda for the June meeting. As part of my update of conditions around the county, I presented photographs of my last visit to the site, and the board was appalled. They wrote and passed the resolution that evening. The Board of Health is a public meeting and if you or your client wishes to attend a board meeting, you are welcome to do so.

You also seem to be confused about the relationship between the EPA and the health district. It is true that both agencies work closely on many issues, and it is a fact that my staff and I accompany the EPA on many of their inspections of Mr. Miller's site. You must realize that we are separate entities, and operate as such. Even though the Health District asked the EPA to take the lead in enforcement action many years ago, the district did not give up the right to pursue their own enforcement action if the Board deems it necessary.

It appears that you also assume that Health District staff knows about and is invited to every meeting that the EPA hosts concerning Miller Lumber, by your statement, "All of the concerns

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*raised in your letter were previously the subject of discussion at a meeting between Ohio EPA and representatives of Miller Salvage on May 25, in Columbus, at Ohio EPA offices. Apparently, neither you nor other members of the Board elected to attend that meeting."* Apparently, Mr. Schraff, we didn't elect to attend that meeting, as neither your client nor the Ohio EPA elected to invite us.

Furthermore, with regards to your statement, *"I don't know if you discussed this deadline with the EPA before you sent this letter....."*, the answer is, "No." The Board of Health looks at the potential and present human health hazards present at the site; the EPA looks primarily at the environmental impact that the operation presents. Even though many of our goals are the same, please be assured that the Pike County General Health District Board of Health can act and set deadlines independently of other agencies.

With reference to your client's "progress" with regards to his plans to create another leachate pond and reduce the amount of wood, glue and laminate waste on Lapperell Road; this issue has been under management by the Ohio EPA and in part by the Ohio Attorney General since 1994. Since that time, the residents of Pike County have watched the pile grow from its permitted thirty foot height to over ninety feet high. They have watched the leachate contaminate the county's only fish hatchery; they have seen proof of groundwater contamination, they have visibly seen Kincaid Creek discolored with the runoff of your client's pile. On a windy day, Mr. Miller's neighbors have trouble breathing air without getting a mouthful of wood, glue and laminate particulate in their lungs. The board of health felt it necessary to make a deadline with respect to the public health. As the resolution states, the board feels that the nuisance conditions should be abated immediately.

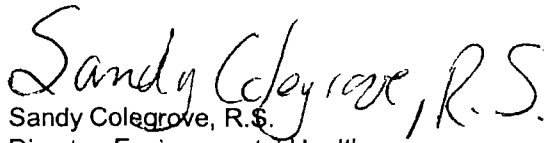
As for your numbered requests, the following responses are listed below:

1. The EPA sent your client a copy of the document *"Report on the November 2003 Ohio EPA Ground Water Investigation at the Miller Lumber Site Pike County, Ohio,"* on February 26, 2004. Your answers to this question can be found in this document.
2. Again, please reference the document *"Report on the November 2003 Ohio EPA Ground Water Investigation at the Miller Lumber Site Pike County, Ohio."* Your answers to this question can be found in this document. I am sure your client can confirm this fact as it is general public knowledge in this part of the county.
3. The health district does not test for hydrogen sulfide. I have experienced the "rotten egg" odor, descriptive of high hydrogen sulfide levels in many homes in Western Pike County. This, along with general public knowledge of the aesthetically repulsive water is the basis for this statement. Once again, I urge you to talk to your client to confirm this fact.
4. Reference your copies of the data regarding the ammonia levels tested in Kincaid Spring by the Ohio Department of Natural Resources. (You are on the mailing list). Enclosed are additional tests from this division and the Ohio EPA.
5. Complaints are enclosed.
6. Notes are enclosed.

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Thank you for the opportunity to respond to your questions.

Sincerely,

  
Sandy Colegrove, R.S.  
Director, Environmental Health

Enclosures: complaints, water sampling results, copy of July 20, 2004 letter from C. Schraff

Cc: Mellissa Yost, Assistant Attorney General, State of Ohio  
Dan Bergert, Southeast District, Ohio Environmental Protection Agency  
Chris Winans, Vice President of Manufacturing, Mills Pride  
Brian Serafy, Senior Facilities Engineer, Mills Pride  
John Cullen, Director of Health and Safety, Masco Corporation